

**REMARKS/ARGUMENTS*****Status of Claims***

Claims 1-8, 23, and 29-35 have been amended.

Claims 11-22 and 24-26 have been canceled.

Claims 36-43 are new.

Thus claims 1-10, 23, and 27-43 are currently pending in this application.

Applicants hereby request further examination and reconsideration of the presently claimed application.

***Claims Rejection – 35 U.S.C. § 103***

Claims 1-10, 23, and 27-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bolskar et al.*, U.S. Patent Publication No. 2003/0065206 A1 (hereinafter *Bolskar*) in view of *Yan et al.*, U.S. Patent No. 5,830,539 (hereinafter *Yan*) and further in view of *Kelley et al.*, U.S. Patent No. 6,958,216 B2 (hereinafter *Kelley*). Claims 1-7, 9, 10, 23, 27-32, and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bolskar* in view of *Yan* and further in view of *Lei et al.*, U.S. Patent No. 6,777,445 B2 (hereinafter *Lei*). The pending claims stand or fall on the application of the cited references to amended independent claims 1 and 23. As noted by the United States Supreme Court in *Graham v. John Deere Co. of Kansas City*, an obviousness determination begins with a finding that “the prior art as a whole in one form or another contains all” the elements of the claimed invention. *See Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 22 (U.S. 1966).

Applicants respectfully submit that the cited prior art does not teach or suggest each and every limitation set forth in the pending claims, and therefore does not render as obvious the instant claims. Applicants have amended claim 1 to recite:

“A fullerene-antibiotic conjugate comprising:  
at least one targeting agent coupled to a fullerene molecule;  
**at least one linking molecule comprising a serinol**; and  
at least two antibiotic molecules coupled to the fullerene molecule,  
wherein at least two of the at least two antibiotic molecules are coupled to  
the fullerene molecule via the at least one linking molecule, and wherein the  
at least one targeting agent is selected from the group consisting of bone-  
targeting moieties, bacteria-targeting moieties, sporulating microbe-  
targeting moieties, an antibody, and combinations thereof.” (Claim 1,  
emphasis added)

Claim 23 has been amended to recite similar limitations. The primary reference *Bolskar* does not teach the limitation of “at least one linking molecule comprising a serinol.” Further, the secondary references cannot remedy the omissions of *Bolskar* as they are also silent as to the limitation of “at least one linking molecule comprising a serinol.” In consideration of the foregoing, Applicants respectfully submit claims 1 and 23 and all claims depending therefrom are patentable over the cited references and in condition for allowance.

### ***New Claims***

New claims 36-43 describe novel and non-obvious aspects of the Applicants’ claimed inventive matter. New claim 36 incorporates the limitations of claims 1 and 6 and recites specific antibiotic agents. Applicants note that while *Yan* broadly discloses the presence of antibacterial or antimicrobial agents, Applicants’ specific classes of antibiotics are not disclosed by the cited references.

New claim 37 incorporates the limitations of claims 1 and 3. Applicants note that while *Lei* discloses a mechanism of treating vancomycin-resistant organisms, *Lei* and the other cited references are silent as to a fullerene-vancomycin conjugate. Claims 38-43 depend from claim 37. Claim 38 mirrors claim 2; claim 39 mirrors claim 4; claim 40 mirrors claim 7; claim 41 mirrors claim 8; claim 42 mirrors claim 9; and claim 43 mirrors claim 27. Applicants respectfully submit the cited references do not contain each and every element of claims 36 and 37. In consideration of the foregoing, Applicants respectfully submit claims 36 and 37 and all claims depending therefrom are patentable over the cited references and in condition for allowance.

## CONCLUSION

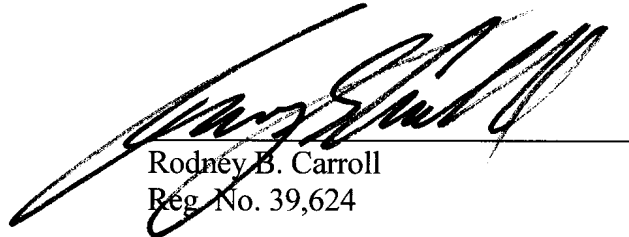
Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Office Action dated August 20, 2008 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,  
CONLEY ROSE, P.C.

Date: \_\_\_\_\_

11/18/08



Rodney B. Carroll  
Reg. No. 39,624

5601 Granite Parkway, Suite 750  
Plano, Texas 75024  
(972) 731-2288 (Telephone)  
(972) 731-2289 (Facsimile)

ATTORNEY FOR APPLICANTS